

### REMARKS

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and the following remarks, a reconsideration of the instant application is respectfully requested.

In order to expedite the prosecution of this application, claims 19 and 24 have been amended, and claim 35-38 has been added to more completely cover certain aspects of the Applicant's invention. Claims 15, 16, 17, 19, 20, 21, 23, 24, 28, 29 and 35-38 are now in this application.

Multiple attempts to reach the Examiner by telephone were unsuccessful and resulted in voice messages.

#### **Regarding the Claim § 102 Rejections**

The Examiner rejected claims 15, 17, 19-21, 23 and 24 under 35 U.S.C. 102(b) as being anticipated by Moores. The Examiner states that "Moores discloses a pin (7) with a stem and a head". The Moores stem (7) is a cone and it is well know to one skilled in the art that a conical shaped stem (7) will force the strap away from the bar (4) due to the tangential upward force acting on the perforation of the strap from the tapering shape of the cone stem (7). It can therefore be appreciated that the Moores stem (7) teaches away from the claimed head and stem limitation of the present invention because the conical shape of the stem (7) [Fig. 2] was intentionally used to aid the user in engaging perforations of the strap.

*Regarding claim 15*, the Applicant respectfully believes that the Moores reference is not a proper 35 U.S.C. 102(b) rejection since Moores does not disclose, teach or suggest a "head positionable at the end of said stem", as in claim 15. The stem (7) in Moores does not disclose the separate and independent head limitation and is therefore believed to be patentably distinct. The Applicant requests that the Examiner reconsiders his rejections of the invention in view of the well established principle that small differences in a crowded art can constitute patentable improvement. See *In re Baum*, 51 USPQ 470 (CCPA 1941) and *In re Lange*, 126 USPQ 365 (CCPA 1960). In considering this principle, the Applicant would also request that the Examiner take note

to the court decision which notes that “apparent simplicity has been held to furnish strong argument for patentability where, as here, a need has existed for a structure of the nature disclosed and claimed. The fact that a solution to a problem is simple, or appears to be simple when viewed in retrospect, does not mean that the solution was obvious when it was conceived.” See *Ellipse corp. v. Ford Motor Co.*, 171 USPQ 513.

Claims 16, 17, 19, 20, 21, 23, 24 and 28 are felt to patentably distinguish over the prior art references because of their above-mentioned dependency from claim 15.

Additionally, the Moores buckle only works when two straps are lined in a horizontal way with the flushed perforations before the mount of the buckle. Both straps are at the same time to be pivoted or formed as a loose tongue [col. 1 line 12] in order to be mounted. It is believed that it is not the intention and therefore it's not possible for the Moores invention to be mounted with any form of tension being exposed to the straps. Furthermore, if only one strap is attached to the Moores invention and tension is put to this first strap it's not possible to mount the next strap due to the face that the side throat (3) [Figs. 1 and 2, col. 2 lines 29 - 30, and col. 2 line 47] is blocked by the first strap.

The claimed present invention does not have this limitation only to be mounted on loose straps already being in flush with each other. Being used as a belt buckle the present invention is intentionally to be mounted on a strap already in use (with some tension to the strap) and the circumferential recess on the present invention pin prevents the buckle (when only attached to one strap) from falling off. Additionally, the claimed present invention distinguishes from Moores in that it can be inserted on straps already in use with tension, and the present invention can be turned clockwise or counterclockwise granting easy access to mount and dismount the straps therefrom. This clockwise or counterclockwise movement is not possible with Moores because the guards (5, 6) [lines 34 - 36] prevent the strap from rotating. Furthermore, the claimed present invention distinguishes from Moores in that it can hold two or more straps forming an angle with each other. The guards (5 + 6) of Moores are constructed a way that they both guide and firmly hold the buckle in a parallel position with the straps.

*Regarding claim 17*, the Examiner states that the Moores reference discloses "an extension that extends from the pin and then attaches to the first hook part." The Examiner makes specific reference to Fig. 2 of Moores and states "extension larger than then diameter of the perforations of the strips" which points to a section of element 4 in Fig. 2. It is respectfully believed that the Examiner has improperly modified element 4 in the Moores reference, and is therefore not a proper rejection.

The Applicant respectfully believes the Examiner is in error in the modification of this element in Moores. Element 4 which the Examiner states as being an extension is in fact a central connecting bar (4) having a stud/post (7) rising up therefrom, and a pair of guards (6) extending up from the free ends of the central connecting bar (4) [Fig. 2, and col. 1 lines 31-39]. Claim 17 specifically claims the stem having an extension, and extending up from an extension. The Moores reference does not disclose, teach or suggest the use of a separate and independent extension limitation or element being part of the stem.

#### **Regarding the Claim § 103 Rejections**

The Examiner rejected claim 28 under 35 U.S.C. 103(a) as being unpatentable over Moores. Specifically, that "it would have been obvious to use a screw joint to attach the hook to the pin as an alternate design of making the connection, because in would predictably yield the same results of Moores integrated buckle."

It is believed that modifying the Moores conical stem (7), as relied upon by the Examiner, would change the principle operation of the Moores buckle, since the stem (7) is conical with a tapering diameter and stem (7) does not contain an extension having a diameter larger than the stem. The claimed stem and extension featuring a screw joint, as in claim 28, allows for a strip to be positioned on the hook, then the stem inserted through the stem perforation and secured to the hook by the screw joint. The strip is now positioned between the extension and the hook. Modifying the Moores reference to have a non-disclosed screw joint would not yield this same result since the stem (7) is conical shaped and it does not contain an extension.

Furthermore, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the

desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Additionally, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Since the Moores reference do not disclose, teach, or suggest the use of an extension on the stem and a screw joint connected the stem to the hook, then the Examiner used a proposed modification of the prior art in the § 103 rejection of claim 28. It can therefore be appreciated that since the Examiner's proposed modifications of the Moores reference does change the principle of operation of the prior art, then the Moores reference is not sufficient to render the claims obvious.

The Examiner rejected claims 16 and 29 under 35 U.S.C. 103(a) as being unpatentable over Moores, specifically that "it would have been obvious to make Moores's pin head be larger than the perforation in the strips."

The Moores reference states that the stud/post (7) is engaged by an opening in the strap to prevent longitudinal disengagement of the latter and to provide for a firm and secure detention of the said strap when mounted in connection with the buckle [lines 39-44]. It can therefore be concluded by one skilled in the art, since no specific size or diameter is disclosed, that the conical post (7) has a diameter the same size or less than the opening in the strap. It is therefore respectfully believed that the Examiner is in error when stating that the diameter should be larger than the opening in the strap. If this was the case the strap could not be mounted properly in the buckle. The tip of the stud/post (7) [Fig. 2] is considerably less than the opening in the straps, due to the conical shape of the stud/post (7). This construction makes it faster and easier to mount the strap [lines 45 and 46] as the conical pin easily catches the opening in the straps and guides them into a parallel position. It can therefore be appreciated that it would not be obvious for Moores to use a pin with a head and stem, as this would make mounting and demounting very slow and difficult with the Moores construction. Hence, teaching away from the principle operation of the conical stud/post (7) of Moores.

The Moores stud/post (7) is intentionally designed with no head. Moores will connect just two loose straps where the challenge in mounting is to be able to pivot/twist the buckle and at the same time to engage the stud/post with the flushed perforations. Therefore, to aid the user in engaging the flushed perforations the inventor intentionally designed a conical stud/post (7) without any head and with a diameter less than the diameter of the perforations of the straps.

It is believed that modifying the Moores conical stud/post (7) to have a non-disclosed head with a diameter larger than the stem, as stated by the Examiner, would change the principle operation of the Moores buckle, since the stud/post (7) is conical with a tapering diameter and stem (7) does not contain an extension having a diameter larger than the stem.

Furthermore, the fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Additionally, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Since the Moores reference do not disclose, teach, or suggest the use of a stem having a head with a larger diameter, then the Examiner used a proposed modification of the prior art in the § 103 rejection of claim 28. It can therefore be appreciated that since the Examiner's proposed modifications of the Moores reference does change the principle of operation of the prior art, then the Moores reference is not sufficient to render the claims obvious.

As the Supreme Court recently explained "a patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S., 82 U.S.P.Q.2d 1385, 1396 (2007). Moreover, "[r]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). "To facilitate review, this analysis should be made explicit." *Id.* Furthermore, "[a] factfinder should be

aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning. See Graham, 383 U. S., at 36 (warning against a 'temptation to read into the prior art the teachings of the invention in issue' and instructing courts to 'guard against slipping into the use of hindsight' (quoting *Monroe Auto Equipment Co. v. Heckethorn Mfg. & Supply Co.*, 332 F. 2d 406, 412 (CA6 1964)))." *Id.* at, 82 U.S.Q.P.2d at 1397.

### **Regarding the New Claims**

Claim 35 depends from claim 19, and which further limits the stem as being attachable to a free end of the first hook part. This is substantially different from the Moores buckle in that the stud/post (7) rises centrally from the central connecting bar (4) [Fig. 2, lines 38-39 and 62-63].

Claim 36 depends from claim 29, and which further limits stem as having at least one circular extension, wherein the extension has a larger diameter than the perforations of the strip and is located between the head and the first hook part. The Moores reference does not disclose a head on the stem (7) or an extension having a larger diameter than the strip perforations and which is located on the stem (7).

Claim 37 depends from claim 29, and which further limits the third hook part as extending over a portion of the first hook part. It can clearly be seen that the loops (1, 2) of the Moores reference do not extend over the central connecting bar (4) [Fig. 2]. The Moores reference specifically describes the buckle frame as being S-shaped [lines 26-28] and therefore impossible for a section of the frame to extend over another section thereof.

Claim 38 depends from claim 37, and which further limits the third plate as being an elongated plate.

### **Conclusion**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to

facilitate expeditious prosecution of this application. The Applicant reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of patentability of the pending claim set are presented above. Any claim amendments which are not specifically discussed in the above-remarks are made in order to improve the clarity of claim language, to correct grammatical mistakes or ambiguities, and to otherwise improve the clarity of the claims to particularly and distinctly point out the invention to those of skill in the art. Finally, Applicant submits that the claim limitations above represent only illustrative distinctions. Hence, there may be other patentable features that distinguish the claimed invention from the prior art.

With the above amendments being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the claims are now in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, the Examiner is cordially invited to telephone the undersigned at (403) 444-5695, or email at davidguerra@internationalpatentgroup.com

No additional fee is due.

Respectfully Submitted,

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